

**NEVADA DEPARTMENT OF
CONSERVATION & NATURAL RESOURCES**

STATE ENVIRONMENTAL COMMISSION

HEARING ARCHIVES FOR

REGULATORY PETITIONS

COMMISSION PETITION NO. 97001

LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-031-97

DOCUMENTS INCLUDED IN THIS FILE:

YES SECRETARY OF STATE FILING FORM

YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B

REGULATORY PETITIONS

ORIGINAL DRAFTED BY COMMISSION

ADOPTED BY COMMISSION

YES AS FILED AND CODIFIED BY LCB

Secretary of State
Filing Data

For Filing Administrative
Regulations

For Emergency
Regulations Only

Effective Date _____

Expiration Date _____

Governor's Signature

State Environmental Commission

Classification [] Proposed [] Adopted By Agency [xx] Temporary [] Emergency []

Brief description of action: Petition 97001 (LCB File R-031-97) permanently amending NAC 444.685 to allow solid waste management authorities to waive the requirements of NAC 444.6851 to 444.6859, the provisions of financial assurance to April 9, 1998.

Authority citation other than 233B: NRS 444.560

Notice date: August 21, August 27 and September 2, 1997

Hearing date: September 23, 1997

Date of Adoption of Agency: September 23, 1997

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
PETITION 97001**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 444.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 97001 (LCB R-031-97), was noticed four (4) times: February 4, February 5, February 12 and February 20, 1997, as a temporary regulation and on August 21, August 27 and September 2, 1997 as a permanent regulation in the Las Vegas Review Journal and the Reno Gazette-Journal newspapers. The public was also mailed the public notice through the Environmental Commission's mailing list for both the temporary and permanent regulation. A regulatory workshop was held on September 9, 1997 for adoption of the permanent regulation. No public or business comment was received at the workshop. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670 extension 3117, or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

2. The number persons who:

- | | | |
|-----|-------------------------------------------|----|
| (a) | Attended each hearing; | 22 |
| (b) | Testified at each hearing: | 14 |
| (c) | Submitted to the agency written comments: | 8 |

3. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. Comments were received from Silver State Disposal during the adoption of the temporary regulation. These comments focused on the impact to Class II landfills, and whether city and county governments could be unduly burdened with financial assurance requirements if they were to take responsibility for private landfill sites. This was felt to be a unfair competition between public and private landfill sites. Allen Gaddy, a private consultant also echoed the comments regarding the advantage that public entities would have over private operators. No business comments were received during adoption of the permanent regulation. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670 or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted by the State Environmental Commission without amendments. No amendments were proposed or offered at the permanent adoption on September 23, 1997.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects: and
- (b) Both immediate and long-term effects.

There will be no anticipated adverse economic impact to businesses in the short or long term. The proposed regulatory changes will not have a short and long term beneficial economic impact upon businesses or to the public.

There may be a modest beneficial effect accruing to both private businesses and for the public located in rural areas of Nevada due to potential reductions in the costs for construction and operation of some rural municipal solid waste landfills. The public should not experience any short or long term economic adverse impact.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There will be no additional cost to the agency as a result of the addition of the proposed regulations.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agencies which the proposed regulation overlaps or duplicates.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

This regulation is no more stringent than federal requirements.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

No new fee is proposed nor is a fee increased by this regulation.

END OF FILING STATEMENT FOR 97001 (LCB R-031-97)

ADOPTED PERMANENT REGULATION OF THE NEVADA STATE ENVIRONMENTAL COMMISSION

LCB File No. R-031-97 Petition 97001

Explanation: Matter in *italics* is new language. Matter in [] is material to be omitted.

AUTHORITY: NRS 444.560

Section 1. NAC 444.685 is hereby amended to read as follows:

444.685 1. Except as otherwise provided in this section, the owner or operator of a Class I site or lateral expansion of a Class I site shall comply with the provisions of NAC 444.6851 to 444.6859, inclusive.

2. Owners or operators of Class I sites:

(a) Who are entities of the State of the Nevada or the Federal Government; and

(b) Whose debts and liabilities are the debts and liabilities of the State of Nevada or the Federal Government,
are exempt from the provisions of this section.

3. The solid waste management authority may approve an alternate plan for financial assurance if the alternate plan meets the criteria set forth in NAC 444.6859.

4. The solid waste management authority may waive compliance with the provisions of NAC 444.6851 to 444.6859, inclusive, for a period not to extend beyond April 9, 1998, if an owner or operator demonstrates that:

(a) The date for compliance set forth in NAC 444.6851 to 444.6859, inclusive, does not provide the owner or operator with sufficient time to comply with the provisions of those sections; and

(b) A waiver will not adversely affect human health and the environment.

END OF LCB File No. R031-97